

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Rinze BENEDICTUS et al.

Application No.: 10/821,184

Group Art Unit: 1793

Filed: April 9, 2004

Examiner: Janelle Combs-Morillo

TITLE: AN Al-Zn-Mg-Cu ALLOY WITH IMPROVED DAMAGE TOLERANCE-STRENGTH COMBINATION PROPERTIES

Honorable Commissioner for Patents

P.O. Box 1450

Alexandria, Virginia 22313-1450

INFORMATION DISCLOSURE STATEMENT

Sir:

This subject Information Disclosure Statement (IDS) is submitted in connection with applicants' continuing duty of disclosure under 37 C.F.R. §1.56. If the Office deems a fee needed to consider this IDS please charge any shortage in fees due in connection with the filing of this paper, including Extension of Time fees, to Deposit Account 14.1437. Please credit any excess fees to such account.

Certification Statement under 37 C.F.R. §1.97(e):

A non-final Office action was mailed on September 3, 2008. This IDS is submitted pursuant to 37 C.F.R. §1.97(c)(1), along with the following statements according to 37 C.F.R. §1.97(e)(1):

Two of the items listed on the concurrently filed Form/sb/08 are the following:

- (1) an Office action of October 14, 2008 for US patent application no. 11/239,651 to Benedictus et al. (US patent application no. 11/239,651 to Benedictus et al. has common inventorship with the present application); and
- (2) US patent no. 7,250,223 to Miyachi et al. (cited in the Office action of October 14, 2008 for US patent application no. 11/239,651 to Benedictus et al.).

Thus, each of the above-listed items was first cited in a communication from the US Patent Office in a potentially related US application not more than three months prior to the filing of the information disclosure statement.

The other two items listed on the concurrently filed Form/sb/08 are the following:

RU 2044098 C1

RU 2165996 C1

These Russian patents contained in this IDS was first cited in a decision of grant, dated September 18, 2008, from the Russian Patent Office in a foreign (Russian) application counterpart to US patent application no. 10/819,130 having common inventorship with the present application.

REMARKS

The relevant documents are listed in the attached Form PTO/SB/08.

The attached form PTO/SB/08 lists "Abstract Translated" in the column for pages, columns, lines where relevant passages appear only because there was nowhere else on the form to list a partial translation, not because it is necessarily relevant.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

The filing of this information disclosure statement shall not be construed as a representation that a search has been made, or an admission that the information cited is, or is considered to be, material to patentability, or that the information is analogous to the subject matter of the present invention, or that no other material information exists. Further, the filing of this information disclosure statement shall not be construed as an admission against interest in any manner.

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